

#### **IV. Remarks/Arguments**

This Response is being made to the Office Action mailed 06/16/2006.

##### **A. Formal Requirements**

Applicant notes that he has complied with "all formal requirements" with respect to the pending application in accordance with 37 CFR 1.111(b) and MPEP § 707.07(a).

##### **B. The Objection of drawings:**

In the Office Action, the drawings were objected to under 37 CFR 1.83(a) as failing to show certain specific items mentioned in the dependent claims, and thus the Office Action directed that "the round elements, the sewing, gluing, heat welding, the screws, the staples must be shown or the feature(s) canceled from the claim(s). No new matter should be entered."

In response, an amended Figure 6 of the drawings showing spaced apart mechanical attachment means (which could be screws, bolts or rivets, for example), is being submitted herewith. Gluing and heat welding would not be visible in the assembled device, and thus cannot readily be shown in the drawings, but are currently "depicted" in Fig 8 in which the sewing threads or other attachment means are not shown.

##### **C. The Rejection of Independent Claims 1 and 16**

In the Office Action, claims 1 and 16 (and others) were rejected under 35 U.S.C. § 103(a) in view of Spooner (U.S. Patent Publication No. 2002/0092481).

Spooner presents an electrified flat mat with a criss-cross of wires. Because the Spooner device is apparently intended primarily for use with large animals (such as cows and horses), Spooner indicates in Paragraph 0021 that his device does not even need a ground wire because the trespassing animal's front feet will be on the mat, and its back feet on the ground (and thus grounded) so as to receive the electric shock. It is in that instance that Spooner references the possible use of "mesh wiring" which is plainly not the same as the braided wire used in the instant application. The "mesh wiring" in Spooner is a cross-hatched grid of wires that can be lain into the criss-crossed grooves in a large, substantially rectangular mat having substantial and substantially similar length and width. Accordingly, Spooner does not render the instant

invention obvious. So as to more clearly differentiate the instant invention from Spooner, however, the independent claims have been amended to clarify that the claimed base is elongate and flexible.


Also, the various prior art electric deterrent devices show long felt need and unsuccessful efforts by others, which are well-known secondary indicia of non-obviousness. The present invention is a very effective solution to an old problem.

WHEREFORE, Applicant respectfully requests that a Notice of Allowance of all pending claims be issued in this case. If the Examiner believes a telephone interview would be helpful, such a call would be welcomed.

September 18, 2006

Respectfully submitted,

JONES DAY

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